

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harold Rodriguez	Team: Squad #1	CCRB Case #: 201900225	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/05/2019 7:40 PM	Location of Incident: [REDACTED]	Precinct: 75	18 Mo. SOL 7/5/2020	EO SOL 2/19/2021	
Date/Time CV Reported Tue, 01/08/2019 3:18 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/08/2019 3:18 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Billy Dill	03000	929737	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Kerine Bunsie	26369	955514	081 PCT
2. POF Gloria Kim	00688	960759	075 PCT
3. SGT Alexander Bobo	00000	947985	075 PCT
4. POM Oscar Mancilla	00456	959782	075 PCT
5. POM Matthew Salzman	18666	959190	075 PCT
6. POF Marina Andrade	00278	959455	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Billy Dill	Abuse: At New Lots Avenue and Hendrix Street, Police Officer Billy Dill seized § 87(2)(b) s vehicle.	[REDACTED]
B.POM Billy Dill	Abuse: At the 75th Precinct Stationhouse, Police Officer Billy Dill searched the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
C.POM Billy Dill	Abuse: At the 75th Precinct Stationhouse, Police Officer Billy Dill threatened to remove § 87(2)(b) to the hospital.	[REDACTED]

Case Summary

§ 87(2)(b) called the CCRB on January 8, 2019 and filed the following complaint.

On January 5, 2019, at approximately 7:40 p.m., § 87(2)(b) parked his car in the pedestrian crosswalk on the corner of New Lots Avenue and Hendrix Street, in Brooklyn. § 87(2)(b) left the vehicle engine running with the hazard lights on and entered § 87(2)(b). § 87(2)(b) came out three minutes later to find PO Billy Dill and PO Oscar Mancilla of the 75th Precinct by his vehicle. PO Dill asked for his identification and § 87(2)(b) refused to provide it. PO Dill arrested § 87(2)(b) and drove § 87(2)(b)'s vehicle to the stationhouse (**Allegation A-Abuse of Authority:** § 87(2)(g)). At the stationhouse, PO Dill searched § 87(2)(b)'s vehicle (**Allegation B-Abuse of Authority:** § 87(2)(g)). Once inside of the holding cells at the 75th Precinct, PO Dill allegedly threatened to take § 87(2)(b) to the psych ward (**Allegation C-Abuse of Authority:** § 87(2)(g)). § 87(2)(b) was ultimately released with summonses for unreasonable noise and for leaving his vehicle unattended with the engine running (Board Review 01).

Eight body worn camera videos were obtained from PO Dill, Sgt. Alexander Bobo, PO Mancilla, PO Marina Andrade, and PO Matthew Salzman (Board Review 02-09).

Findings and Recommendations

Allegation (A) Abuse of Authority: At New Lots Avenue and Hendrix Street, Police Officer Billy Dill seized § 87(2)(b)'s vehicle.

§ 87(2)(b) stated during his CCRB interview (Board Review 10) that he double-parked his vehicle and left the engine running while he went into a restaurant to check if the line was long. After he came out of the restaurant, he saw four officers surrounding his vehicle. PO Dill asked him for his license and registration and he refused to provide it. As a result, PO Dill handcuffed § 87(2)(b) and placed him into a police vehicle. § 87(2)(b) did not see officers take his vehicle to the stationhouse.

Sgt. Bobo's BWC video (Board Review 09) showed that while engaged in an unrelated matter, loud music played behind him, prompting him to turn back toward § 87(2)(b)'s car. PO Mancilla's BWC video (Board Review 08) showed § 87(2)(b)'s vehicle parked in the pedestrian crosswalk, with the engine running, and loud music playing. PO Mancilla and PO Dill pointed their flashlights into the vehicle. The same video depicted § 87(2)(b) approaching the vehicle. PO Dill told § 87(2)(b) that he could not park there and asked him for license and registration twice. § 87(2)(b) argued that he did not have to provide those documents. PO Dill placed § 87(2)(b) in handcuffs and PO Mancilla placed him into an unmarked van.

PO Dill's BWC video (Board Review 7) showed him getting into § 87(2)(b)'s vehicle and driving it to the stationhouse.

PO Dill's testimony to the CCRB was consistent with what was depicted in the BWC videos (Board Review 17). He also stated that he asked § 87(2)(b) for his license and registration five times.

When officers arrest the driver of a vehicle, they can remove the vehicle if the vehicle is positioned in a manner that impedes the flow of traffic and for public safety. *New York v. Sullivan*, 29 N.Y.2d 69 (1971) (Board Review 11).

§ 87(2)(b), § 87(2)(g)

Allegation (B) Abuse of Authority: At the 75th Precinct Stationhouse, Police Officer Billy Dill searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) did not see any officer search his vehicle. At the stationhouse, PO Dill told § 87(2)(b) that he was arrested for marijuana residue found in the vehicle, which led § 87(2)(b) to assume that officers took the car from the scene and searched it.

PO Dill's BWC video (Board Review 7) showed him arriving at the stationhouse with § 87(2)(b)'s vehicle. An unknown officer told PO Dill that he needed § 87(2)(b)'s ID and PO Dill replied that he was going to search the car and that he thought it was on the lanyard. PO Dill searched the pockets of a sweater from the driver's seat, removed cards from the cup holder of the car and also pointed his flashlight around the seats of the vehicle. After closing the door, the video then concludes.

In his CCRB interview, PO Dill stated that he searched the vehicle and found a marijuana cigarette and residue in the center console. Aside from removing § 87(2)(b)'s wallet, PO Dill recovered marijuana residue from the vehicle and he used his discretion and did not issue a summons for the marijuana. PO Dill stated that he bagged and secured all the property removed from § 87(2)(b)'s vehicle but did not ultimately file the paperwork. He believed that he did not need to complete vouchers for the inventory search because § 87(2)(b) was released with summonses.

Requests to IAB for property vouchers and vehicle inventory search log returned with negative results (Board Review 18).

According to Patrol Guide Procedure 218-13, police officers must search the interior of a vehicle thoroughly whenever it comes into custody of the police department to ensure against unwarranted claims of theft and protect uniformed members of service and others against dangerous instrumentalities (Board Review 12) Additionally, valuables removed from the vehicle must be invoiced on a separate property clerk invoice.

§ 87(2)(g)

Allegation (C) Abuse of Authority: At the 75th Precinct Stationhouse, Police Officer Billy Dill threatened to remove § 87(2)(b) to the hospital.

§ 87(2)(b) testified that after waiting for more than five hours in the holding cell, PO Dill came to the cell and § 87(2)(b) asked to call his sister, § 87(2)(b), an officer at the 81st Precinct. PO Dill said, "Oh you say you want to kill yourself? If I call an ambulance, they will take you to the psych ward and you will stay for six days." There were no other officers present to hear this. Eventually PO Dill called and spoke to PO Bunsie about § 87(2)(b)'s arrest.

PO Bunsie was interviewed at the CCRB (Board Review 13) and she confirmed that she received a phone call from PO Dill stating that he had § 87(2)(b) under arrest at the 75th Precinct. PO Dill did not make any mention of § 87(2)(b) threatening to kill himself or that he was going to a hospital.

PO Bunsie told PO Dill she was not interested in hearing any additional details and told him to “do what he had to do” with § 87(2)(b).

PO Dill denied threatening to send § 87(2)(b) to the psych ward but stated that § 87(2)(b) did request to go to a hospital. PO Dill said he would call an ambulance if § 87(2)(b) wanted but § 87(2)(b) did not want an ambulance.

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 14).
- Police Officer Billy Dill has been a member of service for 17 years and has been a subject in four CCRB complaints, § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of November 21, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 15).
- § 87(2)(b)

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: _____

Signature	Print Title & Name	Date
-----------	--------------------	------